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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,005	08/07/2001	Stephen Lange Ranzini	3892-4003	1961
27123 7590 02/23/2009 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER COLBERT, ELLA				
ART UNIT 3696		PAPER NUMBER		
NOTIFICATION DATE 02/23/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/924,005

Applicant(s)

RANZINI, STEPHEN LANGE

Examiner

Ella Colbert

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-8 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8 and 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. Claims 1, 3, 5-8, and 12-23 are pending. Claims 1 and 3 have been amended and claims 12-23 have been added in this communication filed 1/30/09 entered as Amendment with filing of RCE and Request for Extension of Time.
2. The 35 USC 112, First Paragraph rejection from the Final Rejection of 08/04/08 still remains as set forth here below.
3. The Duplicate Claims Warning of MPEP Chapter 700, section 7.05.06 (706.03 (k)) will be further addressed at such time as the application is allowed.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/09 has been entered.

The rejections from the prior Office Action have been maintained as set forth here below due to the lack of clarity in the claim limitations and the Specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "establishing the foreign currency as a stock" in claim 1 and "listing the foreign currency as a stock" in claim 3 is not found in Applicant's Specification.

If these are in Applicant's Specification, Applicant is respectfully requested to point out where they are found.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo.

Claim 1, Takayasu discloses, A system to handle exchange of a foreign currency, comprising:

A memory having program code stored therein (col. 1, pg. 10 [0150]); and a processor operatively connected to said memory for carrying out instructions in accordance with said stored program code (col. 1, pg. 10 [0151]), wherein said program code, when executed by said processor, causes said processor to perform (col. 1, pg. 10 [0154]). Takayasu failed to disclose, establishing the foreign currency as a stock on a stock exchange, wherein the stock comprises a number of units of the foreign currency offered for trade in terms of a native currency of the stock exchange; presenting on the stock exchange, using quotation of the stock exchange, the stock; establishing a predetermined number of market makers, having responsibility for the stock, wherein one or more of the requests are passed to one or more of the market makers.

Calo discloses, establishing the foreign currency as a stock on a stock exchange, wherein the stock comprises a number of units of the foreign currency offered for trade in terms of a native currency of the stock exchange (col. 2, pg. 2 [0030] –pg. 3, col. 1, line 47); presenting on the stock exchange, using quotation of the stock exchange, the stock (Pg. 3, col. 2 [0034]-pg. 4, line33); and establishing a predetermined number of market makers, having responsibility for the stock, wherein one or more of the requests are passed to one or more of the market makers (Pg. 4, col. 1 [0035]col. 2 [0037] and Pg. 6, col. 1 [0044]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Calo in Takayasu because such an

incorporation would allow Takayasu to give principal market maker quotes with having the use of a human market maker in a trading environment which is well known.

Claim 3, further discloses, listing the foreign currency as a stock on a stock exchange, wherein the stock comprises a number of units of the foreign currency offered for trade in terms of a native currency of the stock exchange

Independent claim 3 is rejected for the similar rationale as given above for claim 1.

Claims 5-8 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo and further in view of (US 2002/0087455) Tsagarakis et al, hereafter Tsagarakis. This application claims priority to a non-provisional of provisional application No. 60/259,268, filed on December 30, 2000.

Claims 5 and 7, Takayasu and Calo failed to disclose, wherein said responsibility includes posting a bid and offer for said stock, Tsagarakis discloses, wherein said responsibility includes posting a bid and offer for said stock (Page 5, col. 1 [0041] –col. 2, line 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to simplify the cross-border trading of stocks, options, mutual funds, and fixed income instruments.

Claims 6 and 8, Takayasu and Calo failed to disclose, wherein said responsibility includes offering to purchase or sell said stock for posted amounts. Tsagarakis

discloses, wherein said responsibility includes offering to purchase or sell said stock for posted amounts (Page 4, col. 1 [0036]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to convert currency, an order to buy or sell an amount of a first currency in exchange for a second currency and to decrease the transaction costs of each trade.

Claims 12 and 18. Takayasu discloses, The system of claim 1, wherein the stock comprises a number of units of Japanese Yen offered for trade in terms of United States Dollar (para. [0013]- para. [0017]).

Claims 13 and 19. Takayasu and Calo fail to disclose, The system of claim 12, wherein the stock is given a name USJP. This stock name is not found on the Internet or in any of the databases that are accessible to the USPTO. Therefore, this stock name is not considered to exist except in Applicants' Specification. Furthermore, the stock name is considered nonfunctional descriptive claim language. MPEP 2106.01 recites "Descriptive material can be characterized as either "functional descriptive material" or nonfunctional descriptive material." "Functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music,

literary works, and a compilation or mere arrangement of data. Therefore, this claim limitation is given very little weight and is considered a design option (choice).

Claims 14 and 20. Takayasu discloses, The system of claim 1, wherein the stock comprises a number of units of Euro offered for trade in terms of United States Dollar ([0117]).

Claims 15 and 21. Takayasu and Calo fail to disclose The system of claim 14, wherein the stock is given a name USEU. This stock name is not found on the Internet or in any of the databases that are accessible to the USPTO. Therefore, this stock name is not considered to exist except in Applicants' Specification. Furthermore, the stock name is considered nonfunctional descriptive claim language. MPEP 2106.01 recites "Descriptive material can be characterized as either "functional descriptive material" or nonfunctional descriptive material." "Functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data. Therefore, this claim limitation is given very little weight and is considered a design option (choice).

Claim 16 and 22. Takayasu and Calo fail to disclose The system of claim 1, wherein the stock comprises a number of units of Canadian Dollar offered for trade in terms of United States Dollar. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify Takayasu and Calo to have a Canadian Dollar for trade in terms of United States Dollar because Takayasu can trade the Japanese Yen and the Euro which means his system is capable of trading the Canadian Dollar.

Claim 17 and 23. Takayasu and Calo fail to disclose The system of claim 16, wherein the stock is given a name USCA. This stock name is not found on the Internet or in any of the databases that are accessible to the USPTO. Therefore, this stock name is not considered to exist except in Applicants' Specification. Furthermore, the stock name is considered nonfunctional descriptive claim language. MPEP 2106.01 recites "Descriptive material can be characterized as either "functional descriptive material" or nonfunctional descriptive material." "Functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data. Therefore, this claim limitation is given very little weight and is considered a design option (choice).

If this stock trading names do really exist, the Applicants' are respectfully requested to provide a copy of the source(s) which they are found.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khemlani et al. (US 6,772,146) discloses a website with financial information including foreign exchange rates which appear in the FX rates.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

February 17, 2009